

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
Lynchburg Division

JERRY L. FALWELL, JR.,

*Plaintiff,*

v.

LIBERTY UNIVERSITY, INC., *et al.*,

*Defendants.*

Civil Action No. 6:23cv00011

**DECLARATION OF JERRY L. FALWELL, JR.**

1. My name is Jerry Lamon Falwell, Jr., and I am the former president of Liberty University, Inc. ("**Liberty**"). I am over the age of eighteen (18), have personal knowledge of, and am competent to testify to, the matters stated herein.

2. I was named Liberty's President in May 2007 following the death of my father, Rev. Jerry L. Falwell, Sr.

3. I served as Liberty's President from May 2007 through August 2020.

4. On August 24, 2020, I tendered my resignation by letter to Liberty, specifically to the Executive Committee of Liberty's Board of Trustees, and resigned as President and Chancellor for Good Reason (the "**Resignation Letter**"). In addition, I resigned from Liberty's Board of Trustees. A genuine copy of the Resignation Letter is attached hereto as **Exhibit A**.

5. At the time of my resignation the members of the Executive Committee of Liberty's Board of Trustees were Mr. Harvey Gainey, Mr. Carroll Hudson, Dr. Jerry Prevo, Dr. David Rhodenhizer, and Mr. Gilbert "Bud" Tinney, Jr.

6. On August 25, 2020, Liberty accepted my resignation and the terms set forth in the Resignation Letter. A genuine copy of Liberty's acknowledgment is attached hereto as **Exhibit B**.

7. As a result of my resignation, and because there was no cause for the end of my employment at Liberty, Liberty paid my severance on or about September 24, 2020.

8. Since August 25, 2020, I have not been employed by, provided services for, or financially benefited from, directly or indirectly, in any capacity, any other for-profit or non-profit college or university.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 4, 2023 in Bedford County, Virginia.

  
\_\_\_\_\_  
JERRY L. FALWELL, JR.

# **EXHIBIT A**

Jerry L. Falwell, Jr.  
2100 Old Cifax Road  
Goode, VA 24556

August 24, 2020

VIA Confidential E-mail

Board of Trustees  
Liberty University  
1971 University Blvd.  
Lynchburg, VA 24515

Re: CONFIDENTIAL: Notice of Good Reason

Dear Members of the Board of Trustees of Liberty University:

Pursuant to Section 8.2 of my employment agreement with Liberty University (the "University") effective July 1, 2019 (my "Employment Agreement"), I hereby provide written notice of "Good Reason" to terminate my employment with the University. As such, I am entitled to receive the liquidated severance benefit provided under subsection 4.1(c) of my Employment Agreement, and any benefits to which I am entitled under any applicable benefit plans, including without limitation life insurance and retirement benefits.

My Employment Agreement defines "Good Reason" to include "(i) any action by LU that results in a material reduction in Falwell's position, authority, duties or responsibilities as President and chancellor of LU set forth in Article III..."

Article III of my Employment Agreement identifies my duties and responsibility to include, among other things, my role as President and Chancellor of the University, raising funds for the benefit of the University, and exercising executive and administrative powers to manage and control the day to day operations of the University.

On August 7, 2020, the University Board of Trustees, acting through the Executive Committee, placed me on an indefinite leave of absence, removed all duties and responsibilities of President and Chancellor from me, and named Dr. Jerry Prevo as Acting President. The University followed up by proposing a letter of direction that specified that I would not exercise any of the duties and responsibilities of my office.

Under the applicable provisions of my Employment Agreement, my notice must occur within ninety (90) days of the event giving rise to a Good Reason resignation, and the Board has thirty (30) days to cure. In the interests of all parties, I propose the following:

1. I will resign as President and Chancellor for Good Reason effective immediately.
2. I will resign from the Board of the Trustees of the University effective immediately.

3. I agree that I will not apply for employment with Liberty University going forward.
4. The University agrees that it will waive the Good Reason cure period, and accept my resignation for Good Reason immediately.

In Christ,

*Jerry L. Falwell, Jr*  
Jerry L. Falwell, Jr. err

# **EXHIBIT B**



KING F. TOWER  
(540) 983-7541  
ktower@woodsrogers.com

August 25, 2020

**CONFIDENTIAL**

**VIA E-MAIL ATTACHMENT (LORETTA.RICHARD@ROPESGRAY.COM)**

Loretta R. Richard, Esquire  
Ropes & Gray  
Prudential Tower  
800 Boylston Street  
Boston, Massachusetts 02199-3600

**Re: Resignation of Jerry L. Falwell, Jr.**

Dear Loretta:

This will confirm that the Board of Trustees of Liberty University, acting through its Executive Committee, has accepted the resignation letter submitted by Jerry Falwell, Jr. last night (specifically, the letter you transmitted to me at 10:41 p.m.). Accordingly, Mr. Falwell's resignation of his employment and his seat on the Board of Trustees is effective today.

Pursuant to the Employment Agreement, we will prepare the release of claims for Mr. Falwell to execute. We will also follow up with you regarding arrangements for the return of any documents, equipment or other property belonging to Liberty that may be in Mr. Falwell's possession.

Please let me know if you have any questions or if you wish to discuss this further.

Very truly yours,

WOODS ROGERS PLC

King F. Tower

KFT:eb

cc: Harvey Gainey, Chair, Executive Committee  
David M. Corry, General Counsel

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